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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,668	12/19/2000	Akira Nonaka	09812.0497-00000	7062
22852	7590	04/12/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			DAVIS, ZACHARY A	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/741,668	NONAKA ET AL.	
	Examiner	Art Unit	
	Zachary A. Davis	2137	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive.

Regarding the rejection of Claim 57 under 35 U.S.C. 102(b) as anticipated by Christiano, US Patent 5671412, Applicant argues that the Examiner did not discuss the claimed "identification for a tamper-resistant circuit module" nor did the Examiner cite any portion of Christiano showing the above limitation. However, the Examiner notes that the previous two Office actions did cite column 10, lines 33-36 as disclosing the claimed circuit module identification.

Regarding the rejection of Claims 1-11 and 15-17 under 35 U.S.C. 103(a) as unpatentable over Schneier et al, US Patent 5768382, in view of Christiano, and of Claims 18-22 under 35 U.S.C. 103(a) as unpatentable over Schneier in view of Christiano and further in view of Castor et al, US Patent 5590288, and particularly in response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Specifically, the Examiner first notes that Applicant mischaracterizes the previous Office action as citing Christiano to teach the claimed arithmetic processing circuit (see page 4 of the present response); the Examiner further notes that the action stated that Schneier disclosed the arithmetic processing circuit as claimed with the exception of the determination of a mode or creating usage control status data. Further, Applicant argues that any purchase mode, usage mode, or log data existing in Christiano is in the license server; however, the Examiner fails to appreciate how the storage location of such data relates to the claimed limitations. Additionally, Applicant alleges that the references cannot be combined, because the license server in Christiano processes any mode or log data, whereas in Schneier the corresponding processing occurs within a computer device (see page 5 of the present response). However, the Examiner does not believe that there is a contradiction between a license server performing processing in Christiano and Schneier's disclosure of a "computer device" performing processing, nor does the Examiner believe that a "computer device" precludes a "license server"; in fact, the Examiner believes that a "computer device" encompasses the license server. Finally, Applicant argues that "the teaching of Christiano cannot be relied upon to modify Schneier because the processing in Christiano cannot occur within the computer system 12, and therefore could not occur within any circuit that may be present in Schneier" (page 5 of the present response). However, this appears to be a mere allegation, as no supporting evidence is provided for the statement that the processing in Christiano CANNOT occur within the computer system, and further, the conclusion that the processing could not occur within any circuit in Schneier does not appear to follow from the previous statements.

Therefore, the Examiner maintains the rejections as set forth in the previous Office action.